

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

RETHA A. WILLIAMS,)	Cause No. CV 06-61-BLG-RWA
)	
Plaintiff,)	
)	
vs.)	FINDINGS AND RECOMMENDATION
)	OF U.S. MAGISTRATE JUDGE
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

On April 13, 2006, Plaintiff Retha Williams moved to proceed in forma pauperis with this action. Williams is proceeding pro se.

Permission to proceed in forma pauperis is discretionary with the court. 28 U.S.C. § 1915(a). The court should grant leave to proceed in forma pauperis if the affidavit sufficiently indicates that the affiant cannot pay court costs and still provide the necessities of life for himself and his family. *Adkins v. E. I. Du Pont De Nemours & Co., Inc.*, 335 U.S. 331, 339 (1948). However, "[a] district court may deny leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit." *Tripathi v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987).

Williams alleges that she is being (or has been) stalked by a

cult which apparently has placed snakes in her bed and stolen her medication. She has relocated many times but has been unable to elude the cult. For her relief, she seeks relocation to another country.

This Court does not have authority to grant the requested relief based on the facts alleged Williams' claim. Because such authority is lacking, the action lacks merit. The motion to proceed in forma pauperis should be denied and the action should be dismissed.

Pursuant to *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998) (per curiam), Williams is not entitled to a ten-day period to object to the Findings and Recommendation.

RECOMMENDATION

Based on the foregoing, the undersigned United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(3), **RECOMMENDS** that Williams' Motion to Proceed In Forma Pauperis (doc. 2) be DENIED and the action be DISMISSED.

The Clerk of Court shall immediately forward a copy of the Findings and Recommendation to Williams and to United States District Judge Richard F. Cebull for his immediate review.

DATED this 25th day of September, 2006.

/s/ Richard W. Anderson
Richard W. Anderson
United States Magistrate Judge